

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

----- X
SNMP RESEARCH, INC. and SNMP
RESEARCH INTERNATIONAL, INC.,

Plaintiffs,

v.

BROADCOM INC.; BROCADE
COMMUNICATIONS SYSTEMS LLC; and
EXTREME NETWORKS, INC.,

Defendants.
----- X

Case No. 3:20-cv-00451-CEA-DCP

U.S. District Judge Charles E. Atchley

**DECLARATION OF LESLIE A. DEMERS
IN SUPPORT OF EXTREME NETWORKS, INC.'S
MOTION TO DISMISS THE AMENDED COMPLAINT**

I, Leslie A. Demers, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, counsel of record for defendant Extreme Networks, Inc. (“Extreme”) in this action. I am a member of good standing of the State Bar of New York and have been admitted *pro hac vice* to this Court. I have personal knowledge of the facts set forth in this Declaration and can and will testify thereto under oath if called to do so.

2. I submit this declaration to transmit to the Court the attached exhibits in support of Extreme’s Motion to Dismiss the Amended Complaint.

3. Attached as **Exhibit 1** is a true and correct excerpt of a screenshot of the Tennessee Department of Financial Institutions’ “Historical Listing of Formula Rates” webpage captured on March 16, 2023, available at <https://www.tn.gov/tdfi/tdfi-how-do-i/info/formula-rate/formula-rate-history.html>.

4. Attached as **Exhibit 2** is a true and correct excerpt of a License Agreement by and between Extreme and SNMP Research International, Inc., showing a Software Service Agreement dated October 16, 2001 that was attached to the License Agreement. The full document was produced by Extreme bearing Bates numbers EXTREME-00698985 to EXTREME-00699005.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 16, 2023 in New York, New York.

/s/ Leslie A. Demers
Leslie A. Demers